REMARKS

At the outset, the Examiner's attention is drawn to the Power of Attorney submitted herewith signed by a duly authorized representative of the Assignee and also one of the Attorneys of Record at the time of filing.

Independent claims 1 and 13 have been amended to incorporate the language of cancelled claims 13 and 26 respectively and to add a limitation described in detail in the specification, such as at paragraph (0066) of the application as published. Entry of the amendments is respectfully requested.

Claims 1, 4-7, 14 and 17-20 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable Stauffer et al (hereinafter Stauffer) in view of Menon U. S. Patent No. 5,537,488 (hereinafter Menon). Claims 13 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable Stauffer, Menon in view of Uyttendaele U.S. Paent No. 6,701,030 (hereinafter Uyttendaele). Since these claims have been combined, the first rejection is moot and the second rejection, which incorporates the first rejection, will be addressed herein. Applicant respectfully traverses this rejection for the following reasons.

Stauffer is cited as having most of the elements claimed herein, and, in fact, was cited by applicant as prior art over which this application is an improvement, which applicant believes is a patentable improvement. The Examiner has stated that Stauffer does not teach or suggest computing a divergence for each divergence until the best result is found. The Examiner has also stated that Stauffer does not discuss combining multiple imaging devices into one overlapping image for use in tracking. Applicant cannot find a teaching or suggestion in Stauffer that either such limitations are within the scope of Stauffer.

Menon relates to a pattern recognition system with statistical classification and does not relate to monitoring moving objects. The portion cited by the Examiner does teach or suggest seeking the best correlation rather than the first. However, there is no teaching that seeking the best correlation is possible for tracking systems in which various foreground objects move with respect to stationary background objects. Menon does not distinguish between foreground and background objects because they are all stationary.

Uyttendaele relates to a system for deghosting panoramic video and also does not relate to monitoring moving objects. The portion cited by the Examiner does combine a plurality of frames, but states that it is doing so to produce a mosaiced image of a scene. Nothing in Uyttendaele teaches or suggests tracking moving objects. Also, Uyttendaele does not distinguish between foreground and background objects because they are all stationary.

In order for a finding of obviousness, according to MPEP § 2142, a proper prima facie case of obviousness can be established only when all three basic criteria are met. These are: (1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references

or to combine the reference teachings; (2) there must be a reasonable expectation of success; and (3) the combination of references must teach or suggest all the claim limitations. These must not be based on applicants' disclosure.

With respect to the first criteria, there is no suggestion or motivation in the references themselves to modify or combine the references to track moving objects by seeking the best correlation and using multiple cameras with overlap. The Examiner has stated that he is one skilled in the art and he has provided the motivation to combine the references. That, absent some suggestion, is simple hindsight reasoning using Applicant's disclosure and not any teaching in the art. Neither secondary reference tracks moving objects against a background of stationary objects and there is only Applicant's disclosure that says it can be done.

With respect to the second criteria, there is no reasonable expectation of success <u>other than in Applicant's disclosure</u>, because it is not reasonable to expect non-tracking references that do not have foreground moving objects against stationary background objects to modify such a system that is, essentially, non analogous. Even, assuming for the purpose of argument, the teachings of Menon can be added to Stauffer as the Examiner did in rejecting claims 1 and 14, there is no expectation that the teachings of Uyttendaele can also be imported into that combination.

Finally, the combination of references does not teach or suggest these limitations, other than by picking and choosing from non related patents that is done only based on Applicant's disclosure.

Accordingly, it is respectfully requested that the above rejections be reconsidered and the claims be allowed. Such action is earnestly solicited. The Examiner has suggested that additional amendment to claims 1 an 14 be done, based on the specification, to make the claims allowable. Applicant has done so.
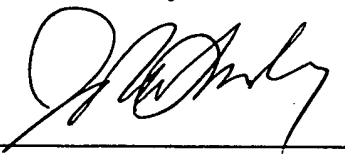
If the Examiner considers this case ready for conclusion, other than by allowance, he is respectfully requested to call applicant's attorney at the number listed below.

Respectfully submitted,
Ioannis Pavlidis

DATE: ____11/22/06____

By his Attorney
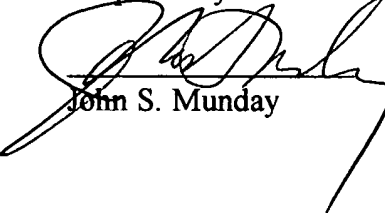
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CERTIFICATE OF MAILING

I hereby certify that the attached correspondence is being deposited with the United States Postal Service and First Class Mail in an envelope addressed to: Mail Stop non fee AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313-1450, on the date appearing below.

DATE: _November 22 2006_

Respectfully submitted,

John S. Munday